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Ways and means of expediting the work of the Committee

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretariat

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I. Introduction

1. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in its resolution 54/4 of 6 October 1999. In accordance with its article 15, the Optional Protocol was opened for signature, ratification and accession on 10 December 1999. Twenty-three States parties signed the Optional Protocol on 10 December 1999 and one State party signed it subsequently. It will enter into force one month after the receipt of the tenth instrument of ratification or accession.

2. At its twenty-first session, the Committee on the Elimination of Discrimination against Women requested the Secretariat to provide it with a substantive comparative analysis of the Optional Protocol to the Convention with existing United Nations treaty-based communications and inquiry mechanisms. It also requested the Secretariat to provide it with information on procedures employed with regard to existing treaty-based communications and inquiry mechanisms. The present report has been prepared in response to those requests.

II. Comparative analysis of the Optional Protocol with existing communications and inquiry mechanisms

3. Two procedures are established by the Optional Protocol to the Convention: a communications procedure and an inquiry procedure. In the present report, the articles of the Optional Protocol are compared with provisions of four international human rights instruments whose procedures are similar to those in the Optional Protocol: the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR),[1] articles 20 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),[2] article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),[3] and article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (MWC).[4] Reference is also made, where applicable, to the rules of procedure and practice of the respective treaty bodies and the report of the Secretary-General containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations (E/CN.6/1997/4).

4. A comparative chart of individual communications and inquiry procedures under international human rights instruments is contained in the annex.

A. Communications procedure

5. Articles 1-7 of the Optional Protocol concern the communications procedure, with articles 1 and 2 addressing the competence of the Committee and those who have the right to submit communications, or "standing".

1. Articles 1 and 2 (Competence of the Committee and standing)

6. Article 1 of the Optional Protocol is comparable to the first part of article 1 of the ICCPR First Optional Protocol. In both cases, the communications procedure is contained in a separate instrument — a procedural protocol — whereas in the case of CERD, CAT and MWC, the communications procedure is part of the main instrument, with States parties to the instrument being required to recognize the relevant treaty body's competence to receive and consider communications through a declaration, rather than via ratification or accession.

7. Unlike the ICCPR First Optional Protocol, CAT and MWC, article 1 of the Optional Protocol does not explicitly state that only States parties to the Convention may become States parties to the Optional Protocol but refers simply to States parties to the present Protocol. The procedure for becoming a State party is covered in article 15 of the Protocol, which has an equivalent in article 8 of the ICCPR First Optional Protocol. The final element of article 1 of the Optional Protocol concerning the submission of communications "in accordance with article 2" has an equivalent in the first clause of article 2 of the ICCPR First Optional Protocol, which provides that the right to submit communications is subject to the provisions of article 1.

8. Article 2 of the Optional Protocol addresses the question of standing and the requirement that complainants claim a violation of any of the rights set forth in the Convention. It provides that communications may be submitted by or on behalf of individuals or groups of individuals under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. It also provides that where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without their consent.

9. All four comparable instruments specify that communications may be submitted by individuals; CERD extends this right to "groups of individuals" and CAT and MWC provide that communications may also be submitted "on behalf of individuals".[5]

10. The rules of procedure and practice of the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination have clarified the circumstances in which claims may be brought by victim(s) or on their behalf, under the various instruments.[6] None of the existing procedures contain explicit provisions concerning circumstances in which communications may be submitted on behalf of individuals or groups of individuals. However, the rules of procedure and practice of the treaty bodies indicate that alleged victims may be represented by duly designated representatives. In instances where alleged victims appear to be unable to submit a communication or to duly designate a representative, treaty bodies have accepted communications on behalf of victims but have required the author to justify acting on their behalf.[7]

2. Articles 3 and 4 (Admissibility of communications)

11. Article 3 of the Optional Protocol provides that communications must be in writing and must not be anonymous. The criterion of non-anonymity is expressly contained in all other instruments,[8] but only the ICCPR First Optional Protocol explicitly provides that communications must be in written form.[9] Article 3 of the Optional Protocol also contains a provision common to all other instruments, namely that no communication shall be received if it concerns a State party to the Convention which is not a State party to the Optional Protocol or which has not declared that it has accepted the communications procedure.[10] Communications which fail to meet these criteria of admissibility are prima facie inadmissible and not brought to the attention of the State party concerned.

12. Article 4 contains several admissibility criteria, several of which render communications prima facie inadmissible, while others require consideration and decision by the Committee before a communication moves to a consideration of the merits and decision with respect to those merits.

13. Article 4.1, which states that the Committee "shall not consider any communication ... unless it has ascertained that all available domestic remedies have been exhausted" has equivalents in each comparable instrument.[11] Other instruments also provide for exceptions to this rule, with the ICCPR First Optional Protocol, CAT, CERD and MWC providing that this rule shall not apply where the application of the remedies is unreasonably prolonged and CAT and MWC also providing that the rule shall not apply where the application of the remedies is unlikely to bring effective relief.[12] The formulation of article 4.1 envisages the Committee's active assessment of whether the information available justifies the examination of a communication on its merits.

14. Article 4.2 indicates that the Committee shall declare a communication inadmissible in five circumstances, as follows: the same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement; the matter is incompatible with the provisions of the Convention; the matter is manifestly ill-founded or not sufficiently substantiated; the matter is an abuse of the right to submit a communication; or the facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for the State Party, unless those facts continued after that date.

15. The first, second and fourth of these criteria are explicitly addressed in the other four treaties. Thus, the ICCPR First Optional Protocol, CAT and MWC incorporate an admissibility criterion which aims to avoid duplication of procedures by declaring inadmissible communications where the same matter has been examined previously under another procedure of international investigation or settlement. Existing instruments declare that a communication shall not be considered by the Committee unless it has ascertained that "the same matter is not being examined under another procedure of international investigation or settlement".[13] CAT and MWC also provide for inadmissibility when the same matter has been examined by another procedure. Equivalent provisions to article 4.2(b) and (d) also appear in the ICCPR First Optional Protocol, CAT and MWC.[14]

16. Comparable instruments do not include provisions establishing inadmissibility where the communication is manifestly ill-founded or not sufficiently substantiated. However, insufficient substantiation is addressed in the rules of procedure of the Human Rights Committee, with rule 90(b) requiring that a claim be submitted "in a manner sufficiently substantiated".[15] The Human Rights Committee does not require the author of the communication to prove the alleged violation at this stage, but she or he must submit sufficient evidence substantiating the allegation for the purposes of admissibility.[16] Where a claim is not substantiated for the purposes of admissibility, the Human Rights Committee has held communications inadmissible under rule 90.

17. Equivalent provisions to article 4.2(e) of the Optional Protocol, which renders inadmissible communications relying on facts occurring prior to the entry into force of the Optional Protocol for the State party concerned unless those facts continued after that date, are not contained in comparable instruments. The current practice of the Human Rights Committee is, however, to declare inadmissible such communications, unless the events in question have, since the entry into force of the ICCPR First Optional Protocol, had persistent effects which in themselves constitute violations of the Covenant.[17]

3. Article 5 (Interim measures)

18. Article 5 of the Optional Protocol addresses interim measures which may be recommended or requested by the Committee at any time between the receipt of a communication and a determination on the merits. Such interim measures are not included in the body of the instrument establishing similar procedures, but they are provided for in the rules of procedure and utilized in practice.[18]

4. Article 6 (Reference of communications to a State party)

19. Article 6.1 deals with the presentation of a communication to the State party concerned for comments. Under comparable procedures, communications are brought to the attention of the State party concerned except in cases where they are prima facie inadmissible.[19] Article 6.1, on the other hand, provides grounds that govern the criteria to be applied by the Committee in its decision not to refer a communication to the State party. Article 6.1 indicates that the communication must be brought to the attention of the State party *confidentially*. Only the CERD has a similar requirement. Notably, rule 96 of the Human Rights Committee provides that the author of a communication and the State party concerned may make public any submissions or information bearing on the proceedings unless the Committee has requested the parties to respect confidentiality. It is to be noted that all working documents issued for the Committee are confidential unless the Committee decides otherwise. The final decisions of the Committees on admissibility, decisions to discontinue a communication and views are made public and the name(s) of the author(s) is (are) disclosed unless the Committee decides otherwise.[20]

20. Article 6.2 of the Optional Protocol establishes the time-frame in which a State party is requested to provide information to the Committee, including any remedies taken. Similar provisions exist in comparable instruments, with the first Optional Protocol, CAT and MWC providing the same six-month period and the CERD a three-month time-frame for replies.[21]

5. Article 7 (Consideration of communications)

21. Similar formulations to article 7.1 of the Optional Protocol, which provides that the Committee shall consider a communication in the light of information made available to it by the claimant(s) and the State party, appear in comparable instruments. The option that information be submitted to the Committee by or on behalf of the claimant(s) has an equivalent in CAT and MWC.[22] Information available to Committees in the consideration of communications is outlined in the comparative summary.[23] If it so wishes, either party may make information prepared by third parties part of its own submission.

22. Article 7.2 of the Optional Protocol, requiring the Committee to hold closed meetings when examining communications, has an equivalent in all comparable instruments,[24] as does article 7.3, which requires the Committee, after examining a communication, to transmit its views on the communication, together with its recommendations to the parties concerned.[25] Such views commonly contain recommendations of remedies a State party is expected to take.[26]

23. Article 7.4 of the Optional Protocol, requiring the State party to give due consideration to the views of the Committee, together with its recommendations, if any, and to submit to the Committee within six months a written response, including information on any action taken in the light of views and recommendations of the Committee, has no equivalent in comparable instruments. However, the practice of treaty bodies in regard to communications is to ask a State party to take appropriate steps to remedy a violation, for example by providing adequate compensation for the violations found by the Committee. A time-frame within which the Committees wish to receive information from the State party about measures taken to give effect to the Committees' recommendations is also provided. The Human Rights Committee actively monitors compliance through its follow-up procedure via the mechanism of the Special Rapporteur for the follow-up of views, which enables the Committee to evaluate State party compliance with its views. The Special Rapporteur is called on to ascertain "the measures taken by States parties to give effect to the Committee's views" (rule 95). The Special Rapporteur systematically requests follow-up information in respect of all views where a violation of the Covenant has been

discerned, and information on the Committee's follow-up activities is included in its annual report.

24. There is no equivalent to article 7.5 of the Optional Protocol, which provides that the Committee may invite the State party to submit further information about any measures it has taken in response to the Committee's views or recommendations in the State party's subsequent reports under article 18 of the Convention in comparable instruments.

B. Inquiry procedure

25. Articles 8, 9 and 10 of the Optional Protocol establish the inquiry procedure. This procedure is comparable to that established under article 20 of CAT, although there are differences in the language of the instruments. Thus, while article 8.1 of the Optional Protocol provides that an inquiry procedure can be initiated by the Committee where it receives reliable information indicating "grave or systematic violations", article 20.1 of CAT provides for an inquiry if the Committee receives reliable information "which appears to it to contain well-founded indications that torture is being systematically practised" in the territory of a State party. Minor differences exist between the language in articles 8.2 of the Optional Protocol and 20.2 of CAT, between the final phrase of article 8.2 of the Optional Protocol and article 20.3 of CAT, articles 8.3 of the Optional Protocol and 20.4 of CAT, and articles 8.5 of the Optional Protocol and 20.5 of CAT, and the possibility of the inclusion of a summary account of the results of inquiry proceedings envisaged in article 20.5 of CAT is provided for in article 12 of the Optional Protocol. While there is no equivalent of article 8.4 of the Optional Protocol, which foresees the submission, after the Committee's issuance of its findings, of the State party's observations to the Committee, rules 83.1 and 83.2 of the CAT rules of procedure deal with the transmission of the Committee's findings to the State party and provide that the State party concerned shall be invited to inform the Committee of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions.[27]

26. Article 9 of the Optional Protocol, providing for the Committee to request details of measures taken in response to an inquiry conducted under article 8 of the Optional Protocol in its report under article 18 of the Convention and allowing the Committee to invite the State party concerned to inform it of the measures taken in response to an inquiry, has no equivalent in CAT or its rules of procedure.

27. The equivalent of article 10 of the Optional Protocol, allowing each State party at the time of signature or ratification or accession to the Optional Protocol to declare that it does not recognize the competence of the Committee provided for in articles 8 and 9 and providing for the withdrawal of such a declaration, exists in article 28 of CAT.

C. General provisions

28. The remaining provisions of the Optional Protocol relate to both the communications and inquiry procedures.

29. Article 11 of the Optional Protocol, requiring a State party to take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the Optional Protocol, has no equivalent in comparable instruments. Similarly, article 13 of the Optional Protocol, whereby each State party undertakes to make widely known and to give publicity to the Convention and the Optional Protocol and facilitate access to information about the views and recommendations of the Committee, in particular on matters involving that State party, has no equivalent.

30. Again, article 14, referring to the Committee's power to develop its own rules of procedure to be followed when exercising the functions conferred on it by the Optional Protocol, has no equivalent. In this regard, ICCPR, CAT, CERD and MWC refer to the power of the treaty bodies to establish their own rules of procedure.[28] The first Optional Protocol does not include a provision empowering the Committee to establish its rules of procedure when acting under the Optional Protocol, but it should be noted that the Covenant and the first Optional Protocol were adopted simultaneously and opened for signature, ratification and accession through the same resolution of the General Assembly.[29] The Convention on the Elimination of All Forms of Discrimination against Women, which includes a provision conferring power on the Committee to establish its own rules of procedure,[30] has been in force since 1981.

31. Article 17 of the Optional Protocol, providing that no reservations to the Optional Protocol shall be permitted, has no equivalent in comparable instruments.

32. Equivalent provisions to the provisions of the Optional Protocol relating to the Committee's report on its activities under the Optional Protocol (article 12), the ratification procedure (article 15), entry into force (article 16), amendment (article 18), denunciation (article 19) and the depositary functions of the Secretary-General can be found

in comparable instruments. A comparative chart of individual communications and inquiry procedures under international human rights instruments, providing details of these provisions, is contained in the annex.

III. Procedures employed by existing treaty-based communications and inquiry procedures

A. Treaty-based communications procedures

33. The rules of procedure of the three treaty bodies with active communications procedures request the Secretary-General to maintain a permanent register of all communications received under each instrument.[31] These registers serve as a working tool of the secretariats of the treaty bodies, helping to ensure that all communications are accounted for and attended to under the appropriate communications procedure, as well as avoiding duplication of consideration. Members of the human rights treaty bodies concerned are free to consult the registers if they so wish, but they are not made accessible to others.

34. Procedures employed with regard to these mechanisms are based on cooperative roles for the relevant Committee and the secretariat of that Committee. Many communications fail to meet prima facie admissibility criteria. Communications which relate to States which are not parties to the particular treaty under consideration or which concern States parties to those treaties which have not expressly accepted their communications procedures are not registered as received by treaty bodies. Similarly, communications which are anonymous are not registered. Communications which are patently non-viable are also not registered, although they are acknowledged by the secretariat, which provides an explanation to authors as to why the communication cannot be considered under the procedures.

35. Many communications fail to include the necessary details which permit meaningful consideration by the treaty body. Information about the facts may be incomplete, or there may be limited or no information relevant to the admissibility criteria of communications, such as steps taken to exhaust domestic remedies, or to have the same matter examined under another procedure of international investigation or settlement. In such cases, the secretariat will address what is referred to as a "contact letter" to the complainant. This letter will explain the nature of the procedure and advise the complainant of further information required, both with regard to admissibility and substance, before the case can be registered.

1. Admissibility stage

36. The procedures of each treaty body with respect to registered communications is dependent upon the way the particular treaty body has organized its work. The first stage after a communication is registered and submitted to the treaty body is the determination of its admissibility which is determined in the light of the formal admissibility criteria that must be fulfilled in order to enable an expert body to receive and consider a communication. If any of these criteria is not met, a communication is declared inadmissible on procedural grounds and no consideration of the merits occurs.

37. As for the Optional Protocol, comparable procedures establish that any communication is to be brought to the attention of the State party.[32] The rules of procedure of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture provide that a communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations relevant to the question of admissibility, including in regard to exhaustion of domestic remedies.[33] To reach a decision on admissibility, a Committee may request that the author provide additional information or clarifications relevant to the question of admissibility.[34] The rules of procedure provide that the treaty bodies may, in the pre-admissibility stage, set time limits for the submission of such additional information, clarifications and observations "with a view to avoiding undue delay".[35] If the deadlines are not kept either by the State party or by the author, the treaty body may decide the question of admissibility in light of available information.[36]

2. Working groups

38. The rules of procedure of the treaty bodies provide for the establishment of working groups to assist the respective treaty body in expediting its mandate in that regard. All three treaty bodies have established working groups for the purpose of making "recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down" in the respective instrument.[37] Once a decision on admissibility has been taken, the treaty body may again refer the matter to a working group or, in the case of the Human Rights Committee, a special rapporteur,[38] for assistance and to make recommendations to the treaty body. Opinions or views on the merits of a communication are

always adopted by the treaty body as a whole. In each case, working groups are composed of not more than five members. They elect their own officers, develop their own working methods and apply as far as possible the rules of procedure of the related treaty body.[39]

39. In the practice of the Human Rights Committee, its Working Group on communications meets for one week immediately prior to the session of the Committee. It is authorized to adopt decisions declaring communications admissible when all five members agree, otherwise the matter is referred to the Committee. In any case, the Working Group may refer a decision on admissibility to the Committee. Decisions declaring communications inadmissible are to be taken only by the Committee, but the Working Group may make recommendations to the Committee in that respect.[40] The Committee on the Elimination of Racial Discrimination and the Committee against Torture have not yet set up pre-sessional working groups for this purpose.

40. In addition to providing for working groups to assist the Committees with regard to communications at the admissibility stage and during consideration of the merits, the rules of procedure of those treaty bodies allow the treaty body to designate special rapporteurs from among their members to assist in the conduct of communications.[41] It is the practice of the Human Rights Committee to designate a special rapporteur on communications, who is called upon to process communications as they are received, including between sessions of the Committee. The duties of the special rapporteur include the transmission of new communications to the State party requesting information or observations relevant to the question of admissibility. The special rapporteur may make recommendations to the Committee to declare communications inadmissible without forwarding it to the State party. The special rapporteur may also issue requests for interim measures. The Committee against Torture appoints a special rapporteur in every new case, while the Committee on the Elimination of Racial Discrimination has not yet designated special rapporteurs to assist with communications.

41. Decisions declaring a communication inadmissible can be reconsidered at the written request of the complainant where such a request provides additional information relevant to the admissibility of a communication.[42] Decisions on admissibility can also be reviewed or revoked during the proceedings on the merits in the light of any explanation a State party may provide, and after the complainant is afforded the opportunity of submitting additional information.[43]

3. Proceedings on the merits

42. The second stage in the consideration of a communication is the proceedings on the merits of the case, which is reached only after communications have been declared admissible. This stage involves the Committee, the State party against which the communication has been brought and the complainant.

43. The decision declaring the communication admissible is communicated to the State party and the author of the complaint. The State Party is requested to submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, which may have been taken by the State within a stated time limit. According to their rules of procedure, the Committee on the Elimination of Racial Discrimination and the Committee against Torture may indicate, if necessary, the type of information they wish to receive from the State party concerned.[44]

44. The rules of procedure of the treaty bodies establish that information submitted by the State party in accordance with the respective treaty's provisions is to be transmitted to the author of the communication, who may submit any additional written information or observations within a time limit specified by the treaty body.[45]

45. The consideration of a communication on the merits occurs in the light of all information made available by the State party and the complainant. In the practice of the treaty bodies, all information submitted by the concerned parties in the context of a specific communication or requested by the treaty body is made available to both parties.[46]

4. Joinder of admissibility and merits

46. While the two stages of consideration of a communication — admissibility and consideration of merits — are usually kept separate, in 1995 the Human Rights Committee decided that it would join the consideration of these two stages when both parties consented and the Committee considered it appropriate.[47] After several years' practice of joining consideration of admissibility and consideration of merits, the Human Rights Committee decided at its sixtieth session, in 1997, that it would join consideration of these stages in all cases. It amended its rules of procedure accordingly.[48]

5. Procedures

47. Consideration of communications under all procedures under review takes place in closed meetings.[49] Meetings of working groups are also closed, although the rules of procedure of all three treaty bodies provide that the treaty

body may issue communiqués for the use of the information media and the general public regarding the activities of the body at the closed meetings.[50]

48. The procedure under the ICCPR First Optional Protocol at all stages is exclusively of a written nature. While the proceedings before the Committee on the Elimination of Racial Discrimination and the Committee against Torture are also of a written nature, the rules of procedure of the Committee on Racial Discrimination establish that during the proceedings on the merits of a communication, "the Committee may invite the presence of the petitioner or his representative and the presence of representatives of the State party concerned in order to provide additional information or to answer questions on the merits of the communication".[51] Similarly, the rules of procedure of the Committee against Torture state that the Committee "may invite the author of the communication or his representatives and representatives of the State party concerned to be present at a specified closed meeting of the Committee in order to provide further clarifications or to answer questions on the merits of the communication".[52] Neither of these rules has been applied.

49. In general, only information provided by the parties concerned can be used by the Committees in determining admissibility and reaching a decision on the merits of the case.[53] In their rules of procedure, the Committees provide a role for the Secretary-General in requesting clarifications from the author(s) during the admissibility stage.[54] The rules of procedure of the Committee against Torture and the Committee on the Elimination of Racial Discrimination include an additional provision enabling these treaty bodies to obtain, through the Secretary-General, from United Nations bodies or the specialized agencies at any time in the course of the examination, any documentation that may assist in the disposal of the case.[55]

50. Under rule 96 of the Human Rights Committee, the author of a communication and the State party are entitled to make public any submissions or information bearing on the proceedings unless the Committee has requested the parties to respect confidentiality. All working documents issued for the Committee are confidential unless the Committee decides otherwise. The Committee's final decisions (views, decisions declaring a communication inadmissible, decisions to discontinue a communication) are made public. Decisions declaring a communication admissible are not made public. The name(s) of the author(s) is (are) disclosed unless the Committee decides otherwise.

51. The practice of the Committee on the Elimination of Racial Discrimination is that all documents relating to its work under article 14 are confidential.[56]

6. Views and follow-up

52. The third stage in the consideration of a communication is the adoption by the treaty body of its decision or views on a complaint. As with the Optional Protocol, all comparable procedures provide that the treaty body shall forward its views/suggestions and recommendations, if any, to the State party concerned and to the petitioner.[57] After having made a finding of a violation, the treaty bodies usually ask the State party to take appropriate steps to remedy the violation. Depending on the case, these steps may be limited to recommendations that a State party provide an "appropriate remedy" or they may be more specific, such as recommending the review of policies or the repeal of a law, the payment of compensation or the prevention of future violations.

53. The rules of procedure of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture provide that any member of the treaty body may request that an individual concurring or dissenting opinion be appended to the views of the Committee. Individual opinions may also be appended to Human Rights Committee decisions declaring communications inadmissible.

54. The last stage in the communications procedure consists of the follow-up phase. Although not addressed in the instruments, all treaty bodies have developed a practice of following up on decisions taken with regard to a specific communication. The rules of procedure of the Committee on the Elimination of Racial Discrimination establish that "the State party concerned shall be invited to inform the Committee in due course of the action it takes in conformity with the Committee's suggestions and recommendations".[58] The rules of procedure of CAT establish a similar rule.[59] Depending on the decision, a Committee may set a time limit for the receipt of information on action by the State party.

56. In 1990, the Human Rights Committee established a procedure for the follow-up of its views under article 5.4 of the ICCPR First Optional Protocol. First, the Committee's decision identifies a time limit for the receipt of information with regard to action taken by the State party in response to the Committee's views. This period is usually 90 days. Second, in accordance with its rule 95, the Committee designates a special rapporteur for the follow-up on views. The special rapporteur requests written information from the State party and informs the Committee accordingly. The

special rapporteur may also undertake follow-up missions to a State party. Action or inaction with regard to the Committee's views are reported in its annual report.

7. Meeting time

57. The treaty bodies allocate a certain number of meetings of their currently mandated regular annual meeting time for their work with regard to communications. Out of a total of nine weeks' annual meeting time, the Human Rights Committee allocates on average 18 to 24 meetings annually to deal with communications. Its Working Group on Communications, which assists the Committee in handling communications, meets three times a year for a total of three weeks annually.

58. The Committee on the Elimination of Racial Discrimination allocates on average two to three meetings annually out of its six weeks' annual meeting time for its work under article 14. The Committee against Torture allocates on average 8 to 12 meetings annually for consideration of communications under article 22 of a total of four weeks' meeting time.

B. Treaty-based inquiry procedures

59. The inquiry procedure established in article 8 of the Optional Protocol will be initiated by the Committee itself. In accordance with rule 69 of the rules of procedure of CAT, the only international human rights treaty body whose treaty empowers it to conduct inquiries, "information which is, or appears to be, submitted for the Committee's consideration under article 20.1 is brought to the Committee's attention by the Secretary-General of the United Nations". This allows for the submission of information by individuals, groups, non-governmental organizations or other entities. In practice, it is primarily non-governmental organizations that submit information which might initiate an inquiry.

60. On the basis of the information received and the observations sought thereon from the State party, as well as any information available to it, CAT may decide to conduct a confidential inquiry. The Committee designates one or more of its members to proceed and report to it urgently. If the Committee decides to embark on an examination on the basis of this report, it seeks the cooperation of the State party. An inquiry may proceed without the cooperation of the State party, but a visit to its territory in the course of an inquiry requires the State party's agreement.

61. The findings of the Committee as a whole, and any comments and suggestions it may have, are transmitted to the State party. The Committee may include a summary of the results of its proceedings in its annual report. Such inclusion is preceded by consultations with the State party, but the final decision is that of the Committee.

62. The inquiry procedure is confidential at all stages. Meetings held in the exercise of the Committee's functions under article 20 are closed; all documents relating to the proceedings are confidential, as are any hearings which may be held in the conduct of an inquiry or assistance received during an inquiry. The only public statement results from the Committee's decision on the publication of its findings and any press communiqués the Committee may issue concerning proceedings in accordance with article 20, as well as the inclusion of a general summary of activities under article 20 in the Committee's annual report.

63. To date, the Committee has allocated just under four meetings to its activities under article 20 at each of its sessions. After consultations in accordance with article 20.5, it has publicly announced the results of its proceedings relating to inquiries relating to States parties to the Convention.[60]

Notes

[1] General Assembly resolution 2200 A (XXI), annex.

[2] General Assembly resolution 39/46, annex.

[3] General Assembly resolution 2106 A (XX) annex.

[4] General Assembly resolution 45/158, annex; the Convention requires eight further ratifications or accessions before it enters into force.

[5] See art. 1 of the ICCPR First Optional Protocol; art. 22.1 of CAT; art. 14.1 of CERD; and art. 77.1 of MWC.

[6] See E/CN.6/1997/4, paras. 44-48; the rules of procedure of the Human Rights Committee are contained in document CCPR/C/Rev.5, the rules of procedure of the Committee against Torture in document CAT/C/3/Rev.1, with further amendments in documents A/50/44, annex VI, and A/51/44, annex VI, and the rules of procedure of the Committee on the Elimination of Discrimination against Women in document CERD/C/35/Rev.3, with further amendments in document A/48/18, annex V.

[7] See E/CN.6/1997/4, paras. 47 and 48.

[8] See art. 3 of the ICCPR First Optional Protocol; art. 22.2 of CAT; art. 14.6(a) of CERD; and art. 77.2 of MWC.

[9] See art. 2 of the ICCPR First Optional Protocol.

[10] See art. 1 of the ICCPR First Optional Protocol, art. 22.1 of CAT, art. 14.1 of CERD; and art. 77.1 of MWC.

[11] See arts. 2 and 5.2 of the ICCPR First Optional Protocol; art. 22.5 of CAT; art. 14.7(1) of CERD; and art. 77.3 of MWC.

[12] See art. 5.2(b) of the ICCPR First Optional Protocol, art. 22.5 of CAT; art. 14.7(a) of CERD; art 77.3 of MWC; and E/CN.6/1997/4, paras. 28 and 29.

[13] See art. 5.2(a) of the ICCPR First Optional Protocol, art. 22.5 of CAT; and art. 77.3(a) of MWC.

[14] See art. 3 of the ICCPR First Optional Protocol, art. 22.2 of CAT; and art. 77.2 of MWC.

[15] See CCPR/C/3/Rev.5.

[16] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 40* (A/52/40), vol. I, paras. 478 and 479.

[17] Ibid., para. 483; see also E/CN.6/1997/4, paras. 32-35.

[18] See E/CN.6/1997/4, paras. 67-70.

[19] See art. 4.1 of the ICCPR First Optional Protocol; art 22.3 of CAT; art. 14(6)(a) of CERD; art. 77.4 of MWC; and E/CN.6/1997/4, paras. 42 and 43.

[20] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 40* (A/52/40), vol. I, para. 454.

[21] See art. 4.2 of the ICCPR First Optional Protocol; art. 22.3 of CAT; art. 14.6(b) of CERD; and art. 77.4 of MWC.

[22] See art. 5.1 of the ICCPR First Optional Protocol; art. 22.4 of CAT; art. 14.7(a) of CERD; and art. 77.5 of MWC.

[23] See E/CN.6/1997/4, paras. 85-88.

[24] See art. 5.3 of the ICCPR First Optional Protocol; art. 22.6 of CAT; and art. 77.6 of MWC.

[25] See art. 5.4 of the ICCPR First Optional Protocol; art. 22.7 of CAT; art. 14.7(b) of CERD; and art. 77.7 of MWC.

[26] See E/CN.6/1997/4, paras. 61-66.

[27] See CAT/C/3/Rev.2.

[28] See art. 39.2 of ICCPR; art. 18.2 of CAT; and art. 10.1 of CERD.

[29] See General Assembly resolution 2200 (A) (XXI), annex.

[30] See art. 19.1 of the Convention.

[31] See Human Rights Committee rule 79.2; CAT rule 98.1 and CERD rule 83.1.

[32] See Optional Protocol, art. 4.1; CAT art. 22.3; and CERD art. 14.6(a).

[33] See Human Rights Committee rule 91.2; CAT rule 108.3; and CERD rule 92.3.

[34] See Human Rights Committee rule 91.1; CAT rule 108.1; and CERD, rule 92.1.

[35] See Human Rights Committee rule 91.1; CAT rule 108.5; and CERD rule 92.5.

[36] See AT rule 108.6 and CERD rule 92.6.

[37] See Human Rights Committee rule 89.1, CAT rule 106.1 and CERD rule 87.1.

[38] See Human Rights Committee rule 94.1; CERD rule 95.1; CAT rule 111.1.

[39] See Human Rights Committee rule 89.2; CAT rule 106.2; CERD rule 87.2.

[40] See Human Rights Committee rule 87.2.

[41] See Human Rights Committee rule 89.3; CAT rule 106.3; and CERD rule 87.3.

[42] See Human Rights Committee rule 92.2; CAT rule 109.2; and CERD rule 93.2.

[43] See Human Rights Committee rule 93.4; CAT rule 110.6; and CERD rule 94.6.

[44] See CAT rule 100.2 and CERD rule 94.2.

[45] See Human Rights Committee rule 93.3; CAT rule 110.4; and CERD rule 94.4.

[46] See CERD rule 94.1 and CAT rule 110.1.

[47] See *Official Records of the General Assembly, Fiftieth Session, Supplement No. 40* (A/50/40), vol. I, para. 494, communication No. 606/1994.

[48] See Human Rights Committee rules 91-95.

[49] See art. 5.3 of the ICCPR First Optional Protocol; CAT art. 22.6; MWC art. 77.6; and rule 88 of the Committee on the Elimination of Racial Discrimination.

[50] See Human Rights Committee rule 83; CAT rule 102 and CERD rule 97.

[51] See CERD rule 94.5.

[52] See CAT rule 110.5.

[53] See art. 5.1 of the ICCPR First Optional Protocol; art. 22.4 of CAT; art. 14.7(a) of CERD; and art. 77.5 of MWC.

[54] See Human Rights Committee rules 78 and 80, CAT rules 97 and 99 and CERD rules 82 and 84.

[55] See CERD rule 95.2 and CAT rule 111.2; and E/CN.6/1997/4, para. 88.

[56] See E/CN.6/1997/4, paras. 77, 78-83.

[57] See art. 5.4 of the ICCPR First Optional Protocol, art. 22.7 of CAT; art. 14.7(b) of CERD; and art. 77.7 of MWC.

[58] See CERD rule 95.5.

[59] See CAT rule 11.5.

[60] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 44* (A/48/44/Add.1); ibid., *Fifty-first Session, Supplement No. 44* (A/51/44), paras. 180-222; and ibid., *Fiftieth Session, Supplement No. 44* (A/50/44), para. 188.

Annex

Comparative chart of individual communications and inquiry procedures under international human rights instruments

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 1: A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications submitted in accordance with article 2.	Art. 1: A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications ...	Art. 22.1: A State party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications ...	Art. 14.1: A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications ...	Art. 77.1: A State Party to the present Convention may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications ...
Art. 2: Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.	Art. 1: ... communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant ... Art. 2: Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated ...	Art. 22.1: ... communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention ...	Art. 14.1: ... communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention ...	Art. 77.1: ... communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party ...

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 3: Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.	Art. 2: ... individuals ... may submit a written communication to the Committee for consideration. Art. 3: The Committee shall consider inadmissible any communication under the present Protocol which is anonymous ... Art. 1: ... No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.	Art. 22.2: The Committee shall consider inadmissible any communication under this article which is anonymous ... Art. 22.1: ... No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.	Art. 14.6(a): ... The Committee shall not receive anonymous communications. Art. 14.1: ... No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.	Art. 77.2: The Committee shall consider inadmissible any communication under the present article which is anonymous ... Art. 77.1: ... No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.
Art. 4.1: The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonable prolonged or unlikely to bring effective relief.	Art. 2: ... and who have exhausted all available domestic remedies ... Art. 5.2: The Committee shall not consider any communication from an individual unless it has ascertained that: ...(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonable prolonged.	Art. 22.5: The Committee shall not consider any communications from an individual under this article unless it has ascertained that: ...(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonable prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of the Convention.	Art. 14.7(a): ... The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.	Art. 77.3: The Committee shall not consider any communication from an individual under the present article unless it has ascertained that: ...(b) The individual has exhausted all available domestic remedies; this shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonable prolonged or is unlikely to bring effective relief to that individual.
Art. 4.2: The Committee shall declare a communication inadmissible where:	Art. 5.2: The Committee shall not consider any communication from an individual unless it has ascertained that:	Art. 22.5: The Committee shall not consider any communications from an individual under this article unless it has ascertained that:	Art. 14.7(a): ... The Committee shall not consider any communication from a petitioner unless it has ascertained that ...	Art. 77.3: The Committee shall not consider any communication from an individual under the present article unless it has ascertained that:

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 4.2(a): The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;	Art. 5.2(a): The same matter is not being examined under another procedure of international investigation or settlement;	Art. 22.5(a): The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;		Art. 77.3(a): The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
Art. 4.2(b): It is incompatible with the provisions of the Convention;	Art. 3: The Committee shall consider inadmissible any communication under the present Protocol ... which it considers to be ... incompatible with the provisions of the Covenant.	Art. 22.2: The Committee shall consider inadmissible any communication under this article ... which it considers ... to be incompatible with the provisions of this Convention.		Art. 77.2: The Committee shall consider inadmissible any communication under the present article ... which it considers ... to be incompatible with the provisions of the present Convention.
Art. 4.2(c): It is manifestly ill-founded or not sufficiently substantiated;				
Art. 4.2(d): It is an abuse of the right to submit a communication;	Art. 3: The Committee shall consider inadmissible any communication under the present Protocol ... which it considers to be an abuse of the right of submission of such communications ...	Art. 22.2: The Committee shall consider inadmissible any communication under this article ... which it considers to be an abuse of the right of submission of such communications ...		Art. 77.2: The Committee shall consider inadmissible any communication under the present article ... which it considers to be an abuse of the right of submission of such communications ...
Art. 4.2(e): The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.				

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Art. 5.1: At any time after the recept of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.				
Art. 5.2: Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.				
Art. 6.1: Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.	Art. 4.1: Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant	Art. 22.3: Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention ...	Art. 14.6(a): The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent ...	Art. 77.4: Subject to the provisions of paragraph 2 of the present article, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to the present Convention that has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention ...

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 6.2: Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.	Art. 4.2: Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.	Art. 22.3: ... Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.	Art. 14.6(b): Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.	Art. 77.4: ... Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
Art. 7.1: The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.	Art. 5.3: The Committee shall consider communications received under the present Protocol in light of all written information made available to it by the individual and by the State Party concerned.	Art. 22.4: The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.	Art. 14.7(a): The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner ...	Art. 77.5: The Committee shall consider communications received under the present article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
Art. 7.2: The Committee shall hold closed meetings when examining communications under the present Protocol.	Art. 5.3: The Committee shall hold closed meetings when examining communications under the present Protocol.	Art. 22.6: The Committee shall hold closed meetings when examining communications under this article.		Art. 77.6: The Committee shall hold closed meetings when examining communications under the present article.
Art. 7.3: After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.	Art. 5.4: The Committee shall forward its views to the State Party concerned and to the individual.	Art. 22.7: The Committee shall forward its views to the State Party concerned and to the individual.	Art. 14.7(b): The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.	Art. 77.7: The Committee shall forward its views to the State Party concerned and to the individual.

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Art. 7.4: The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.				
Art. 7.5: The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.				
Art. 8.1: If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.		Art. 20.1: If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.		

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Art. 8.2: Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.		Art. 20.2: Taking into account any observations which may have been submitted by the Sate Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently. Art. 20.3: ... In agreement with that State Party, such a inquiry may include a visit to its territory.		
Art. 8.3: After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.		Art. 20.4: After examining the findings its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.		
Art. 8.4: The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.				

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Art. 8.5: Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.		Art. 20.3: If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned ...		
		Art. 20.5: All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the cooperation of the State Party shall be sought ...		
Art. 12: The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.		Art. 20.5: ... After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.		
Art. 9.1: The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.				

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Art. 9.2: The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such inquiry.				
Art. 10.1: Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.		Art. 28.1: Each State Party may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognized the competence of the Committee provided for in article 20.		
Art. 10.2: Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.		Art. 28.2: Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification of the Secretary-General of the United Nations.		
Art. 11: A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.				

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Art. 12: The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.	Art. 6: The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.	Art. 24: The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.	Art. 14.8: The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.	
Art. 13: Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.				
Art. 14: The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.				
Art. 15.1: The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.	Art. 8.1: The present Protocol is open for signature by any State which has signed the Covenant.	Art. 25.1: This Convention is open for signature by all States.	Art. 17.1: This Convention is open for signature ...	Art. 86.1: The present Convention shall be open for signature by all States.
Art. 15.2: The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.	Art. 8.2: The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.	Art. 25.2: This Convention is subject to ratification ...	Art. 17.2: This Convention is subject to ratification ...	Art. 86. ... It is subject to ratification.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 15.3: The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.	Art. 8.3.: The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.	Art. 26: This Convention is open to accession by all States ...	Art. 18.1: This Convention shall be open to accession ...	Art. 86.2: The present Convention is open to accession by any State.
Art. 15.4: Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 8.4: Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 26: ... Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 18.2: Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 86.3: Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
		Art. 22.8: Such declarations [under paragraph 1 of this article] shall be deposited by the States Parties with the Secretary-General of the United Nations ...	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... shall be deposited by the State Party concerned with the Secretary-General of the United Nations ...	Art. 77.8: Such declarations [under paragraph 1 of the present article] shall be deposited by the States Parties with the Secretary-General of the United Nations ...
Art. 16.1: The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.	Art. 9.1: Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.	Art. 22.8: The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations ...	Art. 14.9: The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.	Art. 77.8: The provisions of the present article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of the present article.
Art. 16.2: For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.	Art. 9.2: For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.			
Art. 17: No reservations to the present Protocol shall be permitted.				

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Art. 18.1: Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the State Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.	Art. 11: Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.	Art. 29.1: Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all States Parties for acceptance.		Art. 90: After five years after the entry into force of the Convention a request for the revision of the Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting shall be submitted to the General Assembly for approval.
Art. 18.2: Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional process.	Art. 11.2: Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.	Art. 29.2: An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.		Art. 90.2: Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties in accordance with their respective constitutional processes.

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Art. 18.3: When amendments come into force, they shall be binding on those States Parties that have accepted them, other State Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.	Art. 11.3: When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.	Art. 29.3: When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.		Art. 90.3: When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment that they have accepted.
Art. 19.1: Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.	Art. 12.1: Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.	Art. 22.8: ... A declaration may be withdrawn at any time by notification to the Secretary-General ... no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... may be withdrawn at any time by notification to the Secretary-General ...	Art. 77.8: ... A declaration may be withdrawn at any time by notification to the Secretary-General ... no further communication by or on behalf of an individual shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.
Art. 19.2: Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.	Art. 12.2: Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.	Art. 22.8: ... Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article;	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... may be withdrawn at any time ... but such withdrawal shall not affect communications pending before the Committee.	Art. 77.8: ... Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; ...

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Art. 20: The Secretary-General of the United Nations shall inform all States of: (a) Signatures, ratifications and accession under the present Protocol; (b) The date of entry into force of the present Protocol and of any amendment under article 18; (c) Any denunciation under article 19.	Art. 8.5: The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession. Art. 13: Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars: (a) Signatures, ratifications, and accessions under article 8; (b) The date of entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11; (c) Denunciations under article 12.	Art. 22.8: ... Such declaration shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties ...	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties ... Art. 24: The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars: (a) Signatures, ratification and accessions under article 17 and 18; (b) The date of entry into force of this Convention under article 19; (c) Communications and declarations received under articles 14, 20 and 23; (d) Denunciations under article 21.	Art. 77.8: ... Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties ...
Art. 21.1: The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	Art. 14.1: The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	Art. 33.1: This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.	Art. 25.1: This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	Art. 93.1: This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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Art. 21.2: The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.	Art. 14.2: The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.	Art. 33.2: The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.	Art. 25.2: The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.	Art. 93.2: The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.